



PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

Application Number	10/580,512
Filing Date	May 23, 2006
First Named Inventor	ICHIKAWA, Yoshitaka
Art Unit	TBD
Examiner Name	TBD
Attorney Docket Number	8031-013-US

IFW  
TG14

### ENCLOSURES (Check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment/Reply
  - After Final
  - Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Reply to Missing Parts/ Incomplete Application
  - Reply to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)
- Licensing-related Papers
- Petition
  - Petition to Convert to a Provisional Application
  - Power of Attorney, Revocation
  - Change of Correspondence Address
  - Terminal Disclaimer
  - Request for Refund
  - CD, Number of CD(s) \_\_\_\_\_
  - Landscape Table on CD

Remarks

- After Allowance Communication to TC
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):
  - copy of assignments and self addressed prepaid stamped postcard

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Catalyst Law Group, APC		
Signature			
Printed name	David M. Kohn, J.D.		
Date	July 6, 2006	Reg. No.	53,150

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Christina Duenas	Date	July 6, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/1580,512
Filing Date	May 23, 2006
First Named Inventor	ICHIKAWA, Yoshitaka
Title	Treatment of a Condition in a...
Art Unit	tbd
Examiner Name	tbd
Attorney Docket Number	8031-013-US

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

 Practitioners associated with the Customer Number:

32301

OR

 Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

 The address associated with the above-mentioned Customer Number:  
OR The address associated with Customer Number:  
OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

I am the:

 Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Signature		Date	5/18/06
Name	Michael Chang, Ph.D.	Telephone	1858-909-0736
Title and Company	President and CEO, Optimer Pharmaceuticals, Inc.		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

 \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JUL 10 2006

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Yoshitaka Ichikawa, Franklin W. Okumu, and Martin LotzApplication No./Patent No./Control No.: 10/580,512 Filed/Issue Date: May 23, 2006

Entitled: Treatment of a Condition in a Mammal with Administration of Compounds and Methods of Use

Optimer Pharmaceuticals, Inc.

(Name of Assignee)

, a Corporation

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a true copy of the original assignment is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

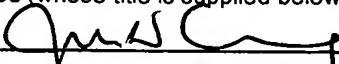
1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



5/18/06

Signature

Date

Michael Chang, Ph.D.

858-909-0736

Printed or Typed Name

Telephone Number

President and CEO

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/81 (01-06)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/580,512
Filing Date	May 23, 2006
First Named Inventor	ICHIKAWA, Yoshitaka
Title	Treatment of a Condition in a...
Art Unit	tbd
Examiner Name	tbd
Attorney Docket Number	8031-013-005

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

Practitioners associated with the Customer Number:

32301

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number:

OR

The address associated with Customer Number:

Firm or Individual Name

Address

City

Country

Telephone

State

Zip

Email

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Signature	<i>Thomas Fitting</i>	Date	June 9, 2006
Name	Thomas Fitting, J.D., Ph.D.	Telephone	858-784-2937
Title and Company	Chief Patent Counsel, The Scripps Research Institute		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

\*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Yoshitaka Ichikawa, Franklin W. Okumu, and Martin LotzApplication No./Patent No./Control No.: 10/580,512 Filed/Issue Date: May 23, 2006Entitled: Treatment of a Condition in a Mammal with Administration of Aminosugar and Uses Thereof

The Scripps Research Institute, a Non Profit Organization  
(Name of Assignee) (Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_ or a true copy of the original assignment is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

June 9, 2006

Date

Thomas Fitting, J.D., Ph.D.

858-784-2937

Printed or Typed Name

Telephone Number

Chief Patent Counsel

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT

**WHEREAS**, We, Yoshitaka Ichikawa, a citizen of Japan residing at 4848 Algonquin Court, San Diego, CA 92130; Martin Lotz, a citizen of Germany, residing at P. O. Box 1513, La Jolla, CA 92038; and Franklin W. Okumu, a citizen of the United States of America, residing at 3066 Palm Street, San Diego, CA 92104; hereinafter referred to as "Assignors", are the inventors of a certain invention titled "Treatment of a Condition in a Mammal with Administration of Compounds and Methods of Use Thereof" for which a Provisional Patent Application was filed on November 24, 2003, and designated Serial Number 60/524,698; and

**WHEREAS**, Optimus Pharmaceuticals, Inc., a company incorporated in Delaware, whose registered office is at 10110 Sorrento Valley Road, Suite C, San Diego, California, 92121, U.S.A., herein referred to as "Assignee," is desirous of acquiring the entire right, title and interest in the same.

**NOW, THEREFORE**, for valuable consideration, the receipt of which is hereby acknowledged, the Assignors, by these presents do hereby sell, assign, transfer, and set over unto the said Assignee, its successors and assigns, the full and exclusive right, title and interest in and to the said invention and to all Letters Patent to be granted and issued therefore, including, but not limited to, all continuations, continuations in part, continuing prosecution and/or divisional applications, not only for, to and in the United States of America, its territories and possessions, but for, to, and in all other countries including all priority rights under the International Convention and any other applicable laws or treaties; and we hereby authorize and request the

PATENT APPLICATION  
DOCKET NO. 8024-013WO

WITNESS my hand at San Diego, California this 23rd day of November, 2004.

By: Martin Lotz

Name: Martin Lotz

STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF SAN DIEGO )

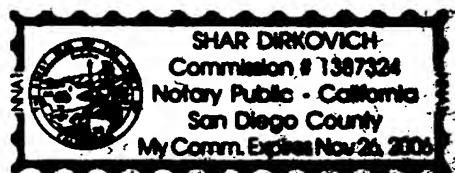
On this 23rd day of November, 2004, before me, Shar Dirkovich, Notary Public, personally appeared Martin Lotz, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Shar Dirkovich

SIGNATURE OF NOTARY PUBLIC

(Seal)



PATENT APPLICATION  
DOCKET NO. 8024-013WO

United States Commissioner of Patents and Trademarks to issue any subsequent Letters Patent to  
said Assignee, its successors and assigns in accordance with this Assignment.

WITNESS my hand at San Diego, California this 09 day of November, 2004.

By: 

Name: Yoshitaka Ichikawa

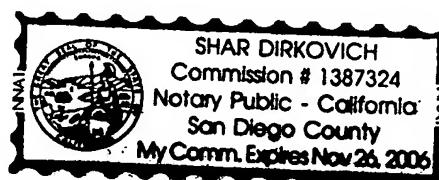
STATE OF CALIFORNIA )  
                          )  
                          ss  
COUNTY OF SAN DIEGO )

On this 9th day of November, 2004, before me, Shar Dirkovich, Notary Public, personally appeared Yoshitaka Ichikawa personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Shar Dirkovich  
SIGNATURE OF NOTARY PUBLIC

(Seal)



PATENT APPLICATION  
DOCKET NO. 8024-013WO

WITNESS my hand at San Diego, California this \_\_\_\_ day of September, 2004.

By: \_\_\_\_\_

Name: Franklin W. Okumu

STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF SAN DIEGO )

On this 30<sup>th</sup> day of Sept., 2004, before me, Shar Dirkovich, Notary Public, personally appeared Franklin W. Okumu, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Shar Dirkovich

SIGNATURE OF NOTARY PUBLIC

(Seal)



**ASSIGNMENT**

**WHEREAS**, Optimer Pharmaceuticals, Inc., a company incorporated in Delaware, whose registered office is at 10110 Sorrento Valley Road, Suite C, San Diego, California, 92121, U.S.A., herein referred to as "Assignor," currently maintains the full and exclusive right, title and interest in and to a certain invention titled "Treatment of a Condition in a Mammal with Administration of Compounds and Methods of Use Thereof" for which a Provisional Patent Application was filed on November 24, 2003, and designated Serial Number 60/524,698, and a PCT Application was filed on November 23, 2004 in the United States Receiving Office, and assigned PCT Application No. PCT/US04/039680 (the "Invention"), which said full and exclusive right, title and interest in the Invention was assigned to Assignor in an assignment document recorded November 24, 2004, in the United States Patent and Trademark Office, at Reel/Frame No. 015408/0146 (the "Original Assignment"); and

**WHEREAS**, I, Martin Lotz, a citizen of Germany, residing at P. O. Box 1513, La Jolla, California, 92038, U.S.A., herein referred to as "Assignee," am one of three inventors of said Invention and is desirous of re-acquiring my proportional right, title and interest in the Invention that was assigned to Assignor in the Original Assignment; and

**NOW, THEREFORE**, for valuable consideration, the receipt of which is hereby acknowledged, the Assignor, by these presents does hereby sell, assign, transfer, and set over unto the said Assignee, his successors and assigns, the original proportional right, title and interest in and to the said Invention and to

all Letters Patent to be granted and issued therefore, including, but not limited to, all continuations, continuations in part, continuing prosecution and/or divisional applications, not only for, to and in the United States of America, its territories and possessions, but for, to, and in all other countries including all priority rights under the International Convention and any other applicable laws or treaties, that was originally transferred by Assignee to Assignor in the Original Assignment and assign the same back to Assignee. It is understood and agreed that Assignor maintains their proportional ownership interest in and to the Invention from the two remaining inventors who assigned their entire right, title and interest to Assignor (Optimer) under the Original Assignment, a copy of which is attached hereto.

**WITNESS** my hand at San Diego, California, this 11 day of  
April 2006.

By: Michael Chang  
Name: Michael Chang  
CEO, Optimer Pharmaceuticals, Inc

STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF SAN DIEGO )

On this 11 day of April, 2006, before me,  
Christina Dueñas, Notary Public, personally appeared Michael Chang  
~~personally known to me~~ (or proved to me on the basis of satisfactory  
evidence) to be the person whose name is subscribed to the within instrument  
and acknowledged to me that he executed the same in his authorized capacity,  
and that by his signature on the instrument the person, or the entity upon  
behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

CD  
SIGNATURE OF NOTARY PUBLIC

(Seal)



**ASSIGNMENT**

**WHEREAS**, I, Martin Lotz, a citizen of Germany, residing at P.O. Box 1513, La Jolla, California, 92038, U.S.A., hereinafter referred to as "Assignor", am an inventor of a certain invention titled "Treatment of a Condition in a Mammal with Administration of Compounds and Methods of Use Thereof" for which a Provisional Patent Application was filed on November 24, 2003, and designated Serial Number 60/524,698, and a PCT Application was filed on November 23, 2004 in the United States Receiving Office, and assigned PCT Application No. PCT/US04/039680 (the "Invention"); and

**WHEREAS**, The Scripps Research Institute, a not for profit organization, incorporated in the State of California, whose office is located at 10550 North Torrey Pines Road, La Jolla, California, 92037, U.S.A., herein referred to as "Assignee," is desirous of acquiring the entire right, title and interest in the same.

**NOW, THEREFORE**, for valuable consideration, the receipt of which is hereby acknowledged, the Assignor, by these presents does hereby sell, assign, transfer, and set over unto the said Assignee, its successors and assigns, the full and exclusive right, title and interest in and to the said invention and to all Letters Patent to be granted and issued therefore, including, but not limited to, all continuations, continuations in part, continuing prosecution and/or divisional applications, not only for, to and in the United States of America, its

territories and possessions, but for, to, and in all other countries including all priority rights under the International Convention and any other applicable laws or treaties; and we hereby authorize and request the United States Commissioner of Patents and Trademarks to issue any subsequent Letters Patent to said Assignee, its successors and assigns in accordance with this Assignment.

**WITNESS** my hand at San Diego, California, this 18<sup>th</sup> day of April, 2006.

By: Martin Lotz  
Name: Martin Lotz

STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF SAN DIEGO )

On this 18<sup>th</sup> day of April, 2006, before me, Nancy L. Barker, Notary Public, personally appeared Martin Lotz, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Nancy L. Barker  
SIGNATURE OF NOTARY PUBLIC

(Seal)

